

FILED 07 MAY 31 10 44 AM 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID WEAVER,)	
)	
Petitioner,)	
)	Civil No. 04-731-JE
v.)	
)	
SHARON BLACKETTER,)	ORDER
)	
Respondent.)	
_____)	

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KING, Judge:

The Honorable John Jelderks, United States Magistrate Judge, filed Findings and Recommendation on April 30, 2007. Petitioner filed timely objections to the Findings and Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Jelderks. This court ADOPTS the Findings and Recommendation of Magistrate Judge Jelderks dated April 30, 2007 in its entirety.

IT IS HEREBY ORDERED that the Amended Petition for Writ of Habeas Corpus (#57) and petitioner's alternative request for an evidentiary hearing are denied.

DATED this 31 day of May, 2007.


GARR M. KING
United States District Judge